THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.5870 of 2007

Between:

Anirudh Agarwal.

.. PETITIONER

and

Municipal Corporation of Hyderabad.

.. RESPONDENT

ORDER:

Heard the learned counsel for the petitioner as well as the learned

Standing Counsel appearing for the respondent.

The petitioner seeks to issue a Writ of Mandamus directing the respondents to receive the application of the petitioner for permission to construct the building and development of the property without insisting on the No Objection Certificate from the Collector/Revenue Authorities in respect of the property admeasuring 341.27 sq. yards, on the existing old H.No.3-5-290, Vittal Wadi, Narayanaguda, Hyderabad.

It is the case of the petitioner that he is the absolute owner of the property bearing No.3-5-290, Vittalwadi, Narayanaguda, Hyderabad, consisting of 434 sft. of built up area. The total extent of the said land is 341.27 sq. yards.

It is stated that there is no dispute with regard to the title of the said property and the petitioner is the exclusive owner and possessor of the same and it is not a government land and there is no claim from any third party. The petitioner filed an application in the prescribed proforma on 07-03-2007 along with a plan and necessary documents, but the respondents has not received the same.

The learned Standing Counsel appearing for the respondent submits that the writ petition was filed on 29-03-2007, whereas the application of the petitioner was received on 30-03-2007.

The learned counsel for the petitioner submits that there is no rule or any provision authorising the respondent to insist upon NOC from the Collector. It is further stated that it is not a vacant land and the property held by the petitioner is within the ceiling limit and, therefore, if there are any objections, it is for the respondent to consider and dispose of the said application.

It is further stated that no doubt there is a requirement to file a clearance certificate from the Urban Land Ceiling in case the total extent of

the land exceeds ceiling limit and if the total extent of land held by the owner or his spouse or unmarried minor children does not exceed the ceiling limit, an affidavit has to be filed and it is for the respondent to consider and dispose of the same. But, there is no such legal requirement to insist upon NOC from the Collector. Further, the Collector is nothing to do with the said property, as the said property does not belong to the Government.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent to consider and dispose of the application of the petitioner, dated 07-03-2007, which is received on 30-03-2007, without insisting upon NOC from the Collector, in accordance with law. There shall be no order as to costs.

_____

02-04-2007

Prv